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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

JOHNNY G. PILGREEN

CIVIL ACTION NO. 05-2154

VERSUS

JUDGE ROBERT G. JAMES

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION

MAG. JUDGE KAREN L. HAYES

RULING

Pending before the Court is Johnny G. Pilgreen's ("Pilgreen") appeal [Doc. No. 13] from the Memorandum Ruling and Judgment [Doc. Nos. 11 and 12] of Magistrate Judge Karen L. Hayes, pursuant to the consent of the parties, in which she affirmed the decision of the Commissioner of Social Security ("Commissioner") to deny Pilgreen's application for benefits.

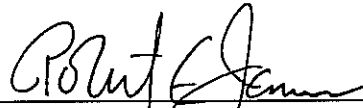
When parties have consented to trial before a magistrate judge, they are entitled to appeal from the magistrate judge's judgment to the district court or directly to the court of appeals and to seek discretionary review before the Supreme Court. *See Gomez v. United States*, 490 U.S. 858, 870 n.19 (1989) (citing 28 U.S.C. §§ 636(c)(3)-(6)).

In considering Social Security appeals, the courts are limited by 42 U.S.C. § 405(g) to a determination of whether substantial evidence exists in the record to support the Commissioner's decision and whether the decision comports with relevant legal standards. *See Newton v. Apfel*, 209 F.3d 448, 452 (5th Cir.2000); *Brown v. Apfel*, 192 F.3d 492, 496 (5th Cir. 1999); *McQueen v. Apfel*, 168 F.3d 152, 157 (5th Cir. 1999). For the evidence to be substantial, it must be relevant and sufficient for a reasonable mind to support a conclusion; it must be more than a scintilla, but

need not be a preponderance. *Falco v. Shalala*, 27 F.3d 160, 162 (5th Cir. 1994). A court reviewing the Commissioner's decision may not retry factual issues, re-weigh evidence, or substitute its judgment for that of the fact-finder. *Fraga v. Bowen*, 810 F.2d 1296 (5th Cir. 1987). The Court does have authority, however, to set aside factual findings which are not supported by substantial evidence and to correct errors of law. *Dellolio v. Heckler*, 705 F.2d 123, 125 (5th Cir. 1983).

Having reviewed the entire record, the Court finds that the Commissioner's decision was supported by substantial evidence. Accordingly, Pilgreen's appeal is DENIED, and the Ruling and Judgment of the Magistrate Judge are AFFIRMED.

MONROE, LOUISIANA, this 6 day of October, 2006.

A handwritten signature in black ink, appearing to read "Robert G. James", written over a horizontal line.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE